J.H.E. CONSULTANT GROUP
Denver – Colorado Springs – Vail

James H. Earle, Ph.D.
Certified Polygraph Examiner
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Examinee: Francis Lee Bailey Jr.

Location: Boston, Massachusetts

Date: May 27, 2000

Presenting Issue: Allegations that Francis Lee Bailey Jr. misused funds from a trust of Biochem Pharma have been made against Mr. Bailey. Francis Lee Bailey Jr.'s, Attorney, Kenneth J. Fishman, requested that Mr. Bailey be given a polygraph examination to determine if the allegations against Mr. Bailey were true.

On May 27, 2000 Mr. Bailey met with the examiner and was interviewed concerning this matter. Mr. Bailey was furnished with a waiver form, which he read and executed releasing JHE Consultants of any liability, which may result from the polygraph examination. This executed release form is incorporated as part of the JHE Consultant Group Laboratory file in this case. Mr. Bailey told the examiner that he had never agreed to setting up a trust for the Biochem Pharma he had received from the United States Government at the direction of Greg R. Miller, Assistant United States Attorney. Mr. Bailey told the examiner that there had never been any trust or trust agreement between himself and Greg R. Assistant United States Attorney, concerning the stock of Biochem Pharma he had been given by the United States government. Mr.

Bailey told the examiner that the United States Government, as payment for his legal service to Claude Duboc, had transferred the stock to his personal account. Mr. Bailey agreed to verify his statement by taking a polygraph examination. A polygraph utilizing the Backster Zone Comparison Test Format including the following relevant questions was then constructed:

A. Did you agree with Greg Miller to set up a trust? No

B. Did you agree with Greg Miller to set up a trust with Biochem Pharma? No

Findings:

The in test Phase of the Forensic Physiological Detection of Deception assessment was conducted on the Axciton Computerized Polygraph System. This system conforms to the recognized standards and procedures of the American Polygraph Association. The test, consisting of 3 (three) polygraph charts, was evaluated utilizing the conventional numerical scoring system developed by the Department of Defense Polygraph Institute. Based on the above evaluation, it is the opinion of the examiner that the recorded responses to the relevant questions reflected truthful responses. It is the opinion of the examiner that Francis Lee Bailey Jr. responses were truthful.

Pre Test:

During the Pre Test, Francis Lee Bailey Jr. told the examiner he had received stock of Biochem Pharma in May 1994 from the United States Government as payment for legal services performed for Claude Duboc. Mr. Bailey

stated that Assistant United States Attorney, Greg R. Miller, had authorized this stock transfer. Mr. Bailey advised that at no time had he agreed to set up a trust for the Biochem Pharma stock. Mr. Bailey said that at no time was there any discussion between he and Greg R. Miller, Assistant United States Attorney of any trust arrangements for the Biochem Pharma stock. Mr. Bailey said he is living in the Boston, Massachusetts and Manalapan, Florida. Mr. Bailey told the examiner that he is a practicing attorney. Mr. Bailey said he had received a Law Degree degree from Boston University in 1960. When asked about his general health, Mr. Bailey told the examiner he had his left hand operated on for Dupartins Constrature, five weeks ago and was still under a doctor's care for the surgery. Mr. Bailey stated "I consider myself in good health and know of no medical reason that would effect the examination". When asked if he had taken any medication in the last 24 hours, Mr. Bailey responded none, other than two Advil last night. Mr. Bailey told the examiner he had a scotch and soda and some wine at dinner last evening. Mr. Bailey said he had slept around four hours last night. Mr. Bailey told the examiner he had no problem hearing and understanding the examiner. Mr. Bailey told the examiner he had no vision problems. Mr. Bailey was born on June 10, 1933 in Waltham, Massachusetts. It is noted that the examination began at 10:05 AM and was completed at 12:17 PM.

Post Test:

During the Post Test Phase, Mr. Bailey was informed of the examiner's opinion concerning the truthfulness of his

responses to the above relevant questions. The examination was completed at this time.

Respectfully,

/s/ James H. Earle
James H. Earle, Ph.D.
Certified Polygraph Examiner